

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 2398 – HB 2840**

February 9, 2010

**SUMMARY OF BILL:** Creates an ice cream truck worker registration and identification card system as well as an appeal and administrative review process within the Department of Health to take effect January 1, 2011. The Department shall establish application and issuance fees to cover the costs to the Department. Each applicant will submit to a fingerprint based criminal history background check with the Tennessee Bureau of Investigation. The ice cream truck employer will be responsible for paying for the mandatory background check. An owner must provide copies of the Ice Cream Truck Worker Identification Cards at least fourteen days prior to the ice cream truck beginning operation within a municipality or county. Any issuance of a necessary local permit may not be delayed or denied due to failure to provide the name, address, or background of an ice cream truck worker if the ice cream truck owner has complied with all necessary permit requirements, including an annual health inspection of each truck. A violation is a Class A misdemeanor.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue - \$195,600/Recurring**  
**Increase State Expenditures - \$4,400/One-Time**  
**\$415,700/Recurring**

**Increase Local Revenue – Not Significant**  
**Increase Local Expenditures – Not Significant**

**Assumptions:**

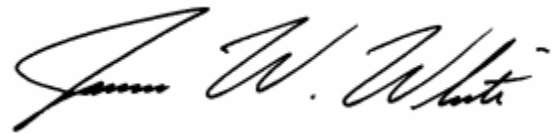
- The Department of Agriculture is responsible for regulating and licensing ice cream trucks. Currently, there are approximately 150 ice cream trucks licensed statewide, but the Department assumes there are more operating without a license.
- It is assumed that the Department of Health will issue identification cards to at least 150 ice cream truck drivers a year or one for each licensed truck.
- The Department will need an environmental health specialist to administer the new licensure and annual truck inspection program. This position will result in an increase in recurring expenditures of \$84,435 which includes salary (\$50,250), benefits (\$17,085), administrative support services (\$7,900), communications and networking (\$1,500), office lease (\$4,100), travel (\$3,000) and supplies (\$600). There will be a one-time increase in expenditures of \$4,400 for a computer and printer (\$1,700) and office set-up (\$2,700).

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- Five of the metropolitan county health departments, including Davidson, Hamilton, Knox, Madison, and Shelby counties, will need an additional field environmental health specialist resulting in an increase to the state's contracts of \$331,300 (\$66,260 x 5 positions).
- The bill grants the Department of Health authority to establish fees to cover the cost of the application process, the issuance of the identification cards, and the annual ice cream truck inspections as long as those fees do not exceed the actual cost.
- According to the Department, there will be a \$118 fee per identification card issued resulting in an increase in revenue of \$17,700 (\$118 x 150).
- The Department estimates that it will charge approximately \$1,200 per truck inspection resulting in an increase in revenue of \$177,900 (\$1,186 x 150).
- There will not be a sufficient number of prosecutions for local government to experience any significant increase in revenue or expenditures.

### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/kml